

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

**October 19, 2010
Council Chambers, City Hall
8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Police Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. ASSISTANCE LEAGUE OF EL PASO WEEK**
- 2. TEXAS ASSOCIATION OF BILINGUAL EDUCATION MONTH**
- 3. FREEDOM FROM BULLIES WEEK**
- 4. MAGGIE MORALES-MOODY DAY
HUMANITIES TEXAS AWARD**

RECOGNITION

CAROL BREY-CASIANO

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.
30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of October 12, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign the Second Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and American Airlines, Inc., for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1", and "B-2". **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]

3B. That the City Manager be authorized to sign the Second Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and US Airways, Inc. for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1", and "B-2". **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]

3C. That the Mayor be authorized to sign a Resolution appointing Michael Bray and Elizabeth Quinn to the Board of Directors of the El Paso Health Facilities Development Corporation and confirming the current appointments of Susannah M. Byrd, Steve Ortega, Andrea Chew and Rick Suarez. **(All Districts)**
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4656]

3D. That Plum City Lounge be authorized to provide for the sale and service of alcoholic beverages at an outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and the portion of City right-of-way along Durango Street from 7:00 pm Sunday, October 31, 2010 to 2:00 am Monday, November 1, 2010. **SPL10-00030 (District 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

3E. That O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at an outdoor block party in the closed portion of Ochoa Street

between First Avenue and Paisano Drive from 9:00 pm Sunday, October 31, 2010 to 2:00 am Monday, November 1, 2010. SPL10-00029 (**District 8**)
[Department of Transportation, Mirian Spencer, (915) 541-4482]

3F. That the new Cielo Vista Branch Library be officially named the José Cisneros Cielo Vista Branch Library in honor of Mr. Cisneros' years of dedication and commitment to the El Paso Public Library and the community. (**District 3**)
[Library, Carol Brey-Casiano, (915) 543-5406]

4. BOARD RE-APPOINTMENTS:

4A. Elvia G. Hernandez to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Emma Acosta, District 3.
[Representative Emma Acosta, (915) 541-4572]

4B. Richard D. Pineda to the Capital Improvements Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) (**All Districts**) [Tax Office, Juan Sandoval, (915) 541-4369]

6. BID:

The award of Solicitation No. 2010-235 for the Colonia Verde Park Improvements, to Karlsruhe, Inc. dba CSA Engineers & Constructors for a total estimated amount of \$116,700.

Department: Engineering and Construction Management
Award to: Karlsruhe, Inc. dba CSA Engineers & Constructors
Base Bid: \$116,700
Total Estimated Completion: \$116,700
Funding Source: Community Development Block Grant
Districts: 4

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, without further authorization by City Council.

This is a low bid, lump sum contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder. Engineering and Construction Management Department recommends the low bidder, American Contractors, be deemed non-responsible because the company did not have the financial capacity or the experience required in the bid documents.

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

7. BUDGET TRANSFERS:

Approval of a budget transfer, as per City Council direction on October 5, 2010, to transfer \$250,000 from the City reserves to the Department of Public Health for enhanced animal services program.

| | | | |
|----------|-----------|-------|--------------------------------|
| Decrease | \$250,000 | from: | Unreserved Fund Balance |
| Increase | \$187,085 | to: | Non-uniform salaries and wages |
| Increase | \$ 62,915 | to: | Operating |

(All Districts)

[Office of Budget and Management, John Neal, 915-541-4777]

[Public Health, Michael Hill, (915) 771-5705]

REGULAR AGENDA - INTRODUCTIONS

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

8A. An Ordinance changing the zoning of Lot 17, 18, and the East 10 feet of Lot 19, Block 17, Cotton Addition, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2332 Montana Avenue. Applicant: Betsy and Richard Nacim. ZON10-00054 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

8B. An Ordinance granting Special Permit No. ZON10-00055, to allow for a 100% parking reduction on the property described as Lot 17, 18, and the East 10 feet of Lot 19, Block 17, Cotton Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 parking reduction of the EL Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2332 Montana Avenue. Applicant: Betsy and Richard Nacim. ZON10-00055 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

8C. An Ordinance changing the zoning of Parcel 1: A portion of Lots 1 – 12, Gaal Subdivision, City of El Paso, El Paso County, Texas from R-4/sp (Residential/special permit) to A-O (Apartment-Office), Parcel 2: Tract 12, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-F/sp (Ranch-Farm/special permit) to A-O (Apartment-Office), Parcel 3: A portion of Tract 15, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to A-O (Apartment-Office), and Parcel 4: Tract 14-A & 16-C, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office); and repealing the special permits granted to Parcel 1 and Parcel 2. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 300 S. Zaragoza Road. Applicant: University Medical Center of El Paso. ZON10-00056 **(District 6)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2010, FOR ITEMS 8A – 8C

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

9. PLANNING AND ECONOMIC DEVELOPMENT:

- 9A.** An Ordinance granting Special Permit No. ZON10-00058, to allow for a ground level helistop on the property described as Lot 2, Block 1, Del Sol Medical, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of Sumac Drive and North of Vista Del Sol Drive. Property Owner: El Paso Healthcare System. ZON10-00058 **(District 7)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 9B.** An Ordinance releasing conditions placed on property by Ordinance No. 16065 which changed the zoning of a portion of Lot A, Block 179, Eastwood Heights Unit K, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2655 Yarbrough Drive. Property Owner: ABAJO, LP. ZON10-00049 **(District 5)**
[Planning and Economic Development, Esther Guerrero (915)541-4720]
- 9C.** An Ordinance changing the zoning of Parcel of land out of the Original Survey from the Southern Pacific Railroad Reserve and out of Blocks 232, 233, 234, and 235 and the closed and vacated portions of the alleys within said Blocks and the closed and vacated portions of Franklin Street, Florence Street, Ochoa Street, and Virginia Street of Campbell's Addition to the City of El Paso, El Paso County, Texas from M-1/H (Light Manufacturing/Historic) to C-3/H (Commercial/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 420 N. Campbell Street. Property Owner: William D. Abraham. ZON10-00061 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 9D.** An Ordinance granting Special Permit No. ZON10-00062, to allow for infill development on the property described as Lots 6 to 8, Block 98, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3007 Montana Avenue. Property Owner: Esau Halow. ZON10-00062 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 9E.** An Ordinance amending a condition placed on property by Ordinance No. 15891 which changed the zoning of Tract 2 Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas, and imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner:

Landford Family/ Real Estate, LLC and Vee K. Ross, Location: 1110 Sunland Park Avenue. ZON10-00052 **(District 8)**

[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

10. AIRPORT:

An Ordinance amending Ordinance Numbers 010873, 012221, 012476, 012636, 014826, 015415, 015961, 016456, and 017125 which established operating procedures and set fees for Foreign-Trade Zone No. 68; to incorporate updates for clarification purposes and to allow for an Air Cargo Perishable Goods Project, and to allow the revisions to Zone Schedule No. 1, Rates, Rules Charges and Regulations applying at Foreign Trade Zone No. 68, El Paso, Texas (The Tariff) **(Districts 2, 3, 4, 6, and 7)**
[Airport, Monica Lombrana, (915) 780-4793]

11. DEPARTMENT OF TRANSPORTATION:

11A. An Ordinance granting a special privilege license to Union Valet LLC for the use of portions of City right-of-way on San Francisco Street to install a removable valet parking stand and to use the two (2) existing dedicated loading zones on San Francisco Street for vehicle drop off and pick up zones for valet parking within the Union Plaza Entertainment District. SPL10-00020. **(District 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

11B. An Ordinance granting a special privilege to Hotel Don Quixote, LTD. doing business as Doubletree Hotel El Paso Downtown/City Center, permitting the encroachment of two (2) awnings and two (2) outdoor patio cafes onto portions of City right-of-way located at 600 North El Paso Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe area. SPL10-00024 **(District 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

11C. An Ordinance amending Ordinance No. 012393 which granted a special privilege to the El Paso Electric Company, owner, and El Paso Parking Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term five years, and revising the consideration, notification and indemnification provisions. SP-9558c **(District 1)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

12A. Discussion and action to elect an alternate Mayor Pro Tempore pursuant to Section 4.3 of the Charter to serve in the event of the absence of the Mayor and Mayor Pro Tempore on October 26, 2010. [Mayor John F. Cook, (915) 541-4145]

12B. Discussion and action to direct that the City Manager City-initiate the right-of-way vacation for a portion of Frankfort Avenue, east of Partello Street.
[Representative Susie Byrd, (915) 541-4996]

13. AIRPORT:

Discussion and action on a Resolution that the City of El Paso Air Service Development Incentive Program, with Exhibit "A", be approved and made effective Nov.1, 2010; and that the Nov. 20, 2007 City Council resolution adopting an incentive to airlines is no longer in effect. **(All Districts)**

[Airport, Monica Lombrana, (915) 780-4793]

[Economic Development, Kathy Dodson, (915) 541-4872]

14. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action that the City Council authorizes the City Manager to enter into a first amendment to the agreement with Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A rewrite of the City's Comprehensive Plan" (the Original Contract). The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds task two.

The first amendment is for the work in an amount not to exceed \$1,236,927. The total contract price, including the first amendment cost is \$1,793,120.

(All Districts)

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

POSTPONED FROM OCTOBER 12, 2010

15. SUN METRO:

Discussion and action on an item authorizing the City Manager to sign a License Agreement between the City of El Paso and MVS International Corp., for the use of Union Depot and an adjacent parking lot for performances by Fuerza Bruta. **(All Districts)**

[Sun Metro, Jay Banasiak, (915) 534-5810]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Michael Graniczny, et al v. City of El Paso, et al.; Cause No. EP-10-CV-0156-PM (551.071) [City Attorney's Office, Karla M. Nieman, (915) 541-4550]

EX2. Debra Powers, et al., v City of El Paso, et al.No. EP-09-CV-0236-DB. (551.071)
[City Attorney's Office, Charlie McNabb/Karla Nieman, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>